

## THE PORT AUTHORITY'S FALSE CLAIMS POLICY

The Port Authority is a public agency committed to safeguarding the public's money. To do that, we need your help in stopping false claims. **And if you help us to identify a financial fraud affecting the Port Authority, we are prepared to recognize and reward your help in detecting wrongdoing by sharing any financial recovery that the Port Authority achieves.**

### FALSE CLAIMS

What is a false claim?

In general terms, a false claim is when someone intentionally makes a material false statement about what they did, or about goods they provided --- and then gets paid (or tries to get paid) based on that false statement.

Think of a general contractor that submits invoices that says it used expensive, high-quality steel on a job --- when it really only used a lower quality product.

Or an engineering or IT firm that bills for 200 hours of work -- - when it knows that the job took only 50 hours.

Or a quality assurance company that documents the results of safety inspections --- but secretly cuts corners.

**All of these are false claims --- and the Port Authority will not tolerate them.**

If the Port Authority is paying for certain materials, we expect to get them. If firms are ripping us off --- by lying about how much time a job takes, for example --- we will act to protect ourselves.

Making a false claim can be a serious crime under federal, state, and local law. And failing to report a false claim can be a serious crime, too.

But we can't stop false claims if we don't know about them. And that's where you come in.

## OUR PLEDGE TO YOU

**If you learn about someone making false claims in connection with a Port Authority project --- bring that information to the Port Authority.**

The Port Authority has a specialized, in-house law-enforcement agency, called the Office of Inspector General, that will conduct a thorough and professional investigation based on the information that you bring in. That investigation will be kept entirely confidential for as long as is appropriate.

If money was obtained from us by means of a false claim, the Port Authority will work --- and work hard --- to recover that money. If the Port Authority gets a financial recovery based on the information you came forward with --- ***you will have a chance to share in our financial recovery, to get paid yourself.***

How much will we pay?

**The people whose information leads to a financial recovery can, all together, receive up to 25% of the ultimate recovery.** As an example, if a false claim allegation yields \$3 million dollars for the Port Authority, that can amount to a recovery of up to \$750,000 for those who provided information. (Note that current or former Port Authority employees are not eligible to share in financial recoveries.)

In deciding on the percentage of recovery, the Port Authority will refer to the federal Department of Justice guidelines in this area, as well as to the so-called "Senate factors." These guidelines and factors provide **strong financial incentives for coming forward.** They establish a common sense approach to calculating recovery percentages --- including how quickly you brought the information to us; how detailed the information is; whether the Port Authority had the information before you came forward; and whether you were involved in the underlying fraudulent action. We will faithfully apply these guideposts, but the percentage recovery provided to you will be in the Port Authority's sole discretion. You should not generally expect to recover simply for bringing publicly-available information to our attention.

**Our false claims commitments are iron clad.**

The Port Authority's Board of Commissioners, the agency's governing body, publicly committed to supporting a false claims policy during the fall of 2017. The false claims policy you are now reading has been reviewed and approved by the Board. It is binding.

What all this means is simple: **if you see or hear information about false claims on a Port Authority job, you should report it.**

Because it's the right thing to do.

Because *not* reporting can sometimes be a crime.

**Because you can potentially recover a great deal of money --- for yourself --- by telling the Port Authority what you know.**

#### **HOW TO REPORT**

If you have information to report about a false claim please contact the Port Authority Inspector General Hotline at 973-565-4340. You can also reach out by fax to 973-565-4307, by e-mail at [inspectorgeneral@panynj.gov](mailto:inspectorgeneral@panynj.gov), or by mail at P.O. Box 2018, Hoboken, New Jersey 07030.

The Port Authority's Office of Inspector General is deeply experienced in investigating wrongdoing. It will take any referral seriously, and it will keep your information entirely confidential for as long as is appropriate.

In addition, by this Policy, the Port Authority's leadership has directed the agency's General Counsel, its chief lawyer, to aggressively pursue all meritorious false claims, including, where appropriate, by seeking punitive damages. **Bring information to the Port Authority, and our in-house professionals will get going.**

In order to develop and investigate false claims information that they become aware of, some people work with lawyers who are specialists in this area. The Port Authority will not pay your attorney's fees or costs. But you are free to hire a lawyer if you want to, and to have the lawyer reach out to the Inspector General.

## NO RETALIATION

If you make a truthful report to the Port Authority about false claims, or about any other wrongdoing, you cannot be subjected to retaliation --- *even if it is your employer that is making the false claim*. There can be no reduction in hours, for example, and no unwanted reassignments; no workplace harassment.

This is because entities that provide goods or services to the Port Authority must afford strong protections to whistleblowers. Those whistleblower protections are set out in the Code of Ethics for Port Authority Vendors, at page 8. And those whistleblower protections are enforceable: an entity that wrongfully retaliates against a whistleblower is materially breaching its contract with the Port Authority, and the consequences of that can be severe.

If you fear that you *may* be retaliated against --- the Port Authority, through its Office of Inspector General --- stands ready to help out, and to ensure that the whistleblower protections that are on the books stick.